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OFFICE OF PETITIONS

In re Application of :
Joseph B. Richey II :
Application No. 10/068,391 :
Filed: February 6, 2002 :
Attorney Docket No. 12873/04187 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed February 9, 2004, to revive the above-identified application.

The petition is **GRANTED**.


The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed March 4, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 5, 2002.

Petitioner asserts that the delay was caused by nonreceipt of the Notice of March 4, 2002. In support, petitioner has supplied a copy of the relevant docket report showing that under the Due date/Date Type there is no indication that a response was due.

The showing of record is adequate to establish unavoidable delay within the meaning of 35 U.S.C. § 151 and 37 CFR 1.137(a).

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

The application file is being forwarded to the Office of Initial Patent Examination for preexamination processing.


Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy